

**TERMINAL DISCLAIMER TO OBIVATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)  
341148004US1

In re Application of: Mate et al.

Application No.: 10/721,491-Conf. #6043

Filed: November 25, 2003

For: GUIDED RADIATION THERAPY SYSTEM

The owner\*, Calypso Medical Technologies, Inc., of 100  
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of  
any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any  
patent granted on pending reference Application Number 09/877,498, filed on June 8, 2001,  
as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may  
be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner  
hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it  
and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on  
the instant application and is binding upon the grantee, its successors or assigns.

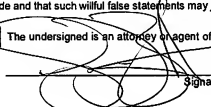
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that  
would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said  
reference application, "as the term of any patent granted on said reference application may be shortened by any terminal  
disclaimer filed prior to the grant of any patent on the pending reference application." In the event that: any such patent: granted  
on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a  
court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims  
canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term  
as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency,  
etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on  
information and belief are believed to be true; and further that these statements were made with the knowledge that willful false  
statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United  
States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney in agent of record. Reg. No. 43,498

  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Date  
\_\_\_\_\_  
Susan D. Betcher  
Typed or printed name

(206) 359-8000  
\_\_\_\_\_  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not  
be included on this form. Provide credit card information and authorization on PTO-2038.**